

Regular Session, June 18, 2012, 7:00 p.m.  
Catawba County Board of Commissioners

**Appointments**

Nursing and Rest Home Advisory Board	580	06/18/12
Home and Community block Grant Advisory Board	580	06/18/12
Maiden Planning Board	580	06/18/12
Maiden Board of Adjustment	580	06/18/12
Newton-Conover Auditorium Authority	580	06/18/12
Juvenile Crime Prevention Council	580	06/18/12
Salt Block Foundtion	580	06/18/12
CVCC Board of Trustees	580	06/18/12
Economic Development Corporation	580	06/18/12
Voting Delegate for NACo Conference	580	06/18/12
Subdivision Review Board	580	06/18/12

**Budget Transfers**

Manager's Authority	585	06/18/12
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**Closed Session**

Attorney/client Privilege	585	06/18/12
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**Economic Development Corporation**

Waiver of Landfill Fees	581	06/18/12
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**Planning, Parks and Development**

Duke Energy Loan Pool Project (HELP)	581	06/18/12
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**Presentations**

StormReady Designation	580	06/18/12
CVCC Community Partnership Award	580	06/18/12

**Ordinance**

NC Housing Finance Agency Project Budget Ordinance for Home Energy Loan Pool (HELP)	581	06/18/12
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**Utilities and Engineering**

3-Year Mandatory Update to 10 Year Catawba County Solid Waste Management Plan	583	06/18/12
2012 community Waste Reduction and Recycling Grant – Shingle Recycling Program	584	06/18/12

The Catawba County Board of Commissioners met in regular session on Monday, June 18, 2012 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Dan A. Hunsucker, Barbara G. Beatty and Randy Isenhower.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Dewey Harris, Assistant County Manager Mary Furtado, County Attorney Debra Bechtel, Assistant County Attorney Jodi Stewart and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order 7:00 p.m.
2. Vice-Chair Lynn Lail led the Pledge of Allegiance to the Flag.
3. Commissioner Randy Isenhower offered the invocation.

4. Commissioner Barbara Beatty made a motion to approve the minutes from the Budget Hearings with Departments and Outside Agencies of May 29, 2012, the Budget Public Hearing and Wrap-Up of May 31, 2012 and the Board's Regular Meeting of June 4, 2012. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and specifically recognized Cliff Moon, candidate for the NC House of Representatives. She also noted that both Commissioners Hunsucker and Beatty were up for re-election.
6. Public Comments for Items Not on the Agenda:  
John Marino, Catawba County Representative on the Lake Norman Marine Commission, updated all present on the actions of the Marine Commission. Chair Barnes thanked Mr. Marino for his involvement in the activities of the Marine Commission.
7. Presentations:
  - a. Mr. Anthony Sturey of the National Weather Service's forecast office in Greenville-Spartanburg presented the Board, Emergency Services Director Bryan Blanton and Emergency Management Coordinator Karyn Yaussy with recognition letters and StormReady signs. StormReady is a national certification program that recognizes communities that meet specific requirements in preparedness for severe weather and flooding. To become StormReady, Catawba County met stringent criteria focusing on both internal and external communication, alert systems, reception and understanding of hazardous weather, community outreach, and a comprehensive all-hazards emergency operations plan. Chair Barnes stated the Board was very proud to have Catawba County receive this designation and commended Mr. Blanton and Ms. Yaussy for their hard work in attaining this certification.
  - b. The Board recognized the Catawba County Parks staff as recipients of the Community Partnership Award from Catawba Valley Community College (CVCC). CVCC began giving the award, which recognizes a community group "that has partnered with the college in outstanding ways to advance its educational mission," last year. Over the last ten years, hundreds of students have volunteered and benefitted from the educational opportunities offered through the partnership between the CVCC Biology Department and Catawba County Parks. CVCC utilizes the parks as outdoor classrooms/labs as part of the curriculum to allow students to physically experience the information portrayed in their academic studies. Students in turn have helped the parks by assisting in habitat restoration, eradication of invasive species, and keeping the parks clean by participating in Litter Sweep events. Park Manager Blair Rayfield received the award for the Parks and was commended for his recent commencement address given at the CVCC graduation.
8. Appointments:  
Vice-Chair Lail recommended the appointment of Pamela Connelly for a first term on the Nursing and Rest Home Advisory Board to fill a vacant position. Her term will expire June 17, 2013. Vice-Chair Lail also recommended the reappointment of Frances Frock and Luther Knauff for tenth terms, Miriam Davis for a seventh term; Sheila Weeks for a sixth term; Alice Layne, Mary Mode and John Waters for fifth terms; Tami Hefner for a third term and Michelle Roseman for a first full term on the Home and Community Block Grant Advisory Board. She also recommended the appointment of Gail Miller to this Board for a first term to fill a vacancy. These terms will expire June 30, 2014. Commissioner Beatty recommended the reappointment of Mike Morris for a seventh term on the Maiden Board of Adjustment and Lynn Jenkins for a second term on the Maiden Planning Board. These terms will expire June 30, 2015. Commissioner Hunsucker recommended the reappointment of Jamie Treadaway for a second term on the Newton-Conover Auditorium Authority Board of Directors. This term will expire June 30, 2015. Commissioner Isenhower recommended the reappointment of Chief Don Brown for a second term, Tara Conrad and Heather Reedy for third terms and Dr. Barry Redmond for a fourth term on the Juvenile Crime Prevention Council. These terms will expire June 30, 2014. Chair Barnes recommended the reappointment of Jason Cloninger for a second term on the Subdivision Review Board and Helen DeCuzzi for a fifth term on the Salt Block Foundation. These terms expire June 30, 2014. Chair Barnes also recommended her reappointment to the Catawba Valley Community College Board of Trustees for a first full term, to expire on June 30, 2016 and as voting delegate for the 2012 NACo Annual Conference, with Commissioner Barbara Beatty designated as alternate voting delegate. Chair Barnes recommended the reappointments of Jay Reardon for a first full term on the Economic Development Corporation, with an expiration of June 30, 2015 and the appointment of Robin

Nicholson of Duke Energy. Ms. Nicholson will fill an unexpired term which will expire June 30, 2013. These recommendations came in the form of a motion. The motion carried unanimously.

9. Departmental Reports:

A. Economic Development Corporation.

Economic Development Corporation President Scott Millar and Utilities and Engineering Director Barry Edwards presented a request for Board approval of the waiver of certain landfill fees and erosion control permit fees, expiring no later than June 30, 2013, to encourage development of pre-graded sites, demolition and removal of dilapidated buildings, and rehabilitation of historic buildings in order to encourage economic development. The Fee Waiver Program would include fees for land clearing debris, construction and demolition debris, erosion control permits and demolition permits under specific conditions.

The program's purpose is to eradicate dilapidated and vacant industrial buildings to clear property for redevelopment, encourage the development of recognized historic structures for adaptive reuse, and begin the creation of pre-graded industrial sites. Coordinated with and marketed by the Catawba County Economic Development Corporation (EDC), the program is designed to promote economic development in Catawba County by providing incentives to attract business development. Fees would be waived for solid waste disposal, including all State-permitted waste streams accepted at the Blackburn Landfill such as land clearing debris and municipal solid waste and construction and demolition debris, and for erosion control and demolition permits, oversight, and inspections. This waiver program is subject to cancellation at any time and will expire no later than June 30, 2013.

The program will be monitored on a monthly basis, with a report to the Board of Commissioners no less than quarterly. To qualify for the waiver program, projects must be situated in a location reasonably suited for future industrial development, as determined by the EDC. Plans for individual buildings must be submitted to the EDC a minimum of 30 days in advance and approved by the EDC Board of Directors on a monthly basis. Projects must meet all requirements to be listed on the North Carolina Department of Commerce site/building database which include: a minimum size of two acres, which may be combined with adjacent properties if all properties meet Department of Commerce site data sheet requirements; and have either a specific sales or lease price. Should the owner be redeveloping the site, the sales/lease price requirement would be waived with a committed investment of \$1 million in new construction. In addition, pre-graded sites must be a minimum of 5 acres, although less acreage may be considered with a committed investment of \$1 million in new construction.

The County's Code Compliance staff will monitor the activities for each site associated with waiving fees and report details, history and findings. A County Building Inspector will complete a final inspection if a demolition permit is applicable. The County cannot waive a \$2 per ton State disposal tax when applicable. The State tax will be the responsibility of the waste hauler. The waiver of fees will not be an exemption from applicable local or state regulations, such as plan review, permit issuance and inspections, handling of waste and debris or other stipulations. Chair Barnes confirmed there would be a recycling coordinator assigned to each project to assist the owner all the way through the process. Commissioner Isenhower made a motion to approve the waiver program. The motion carried unanimously.

b. Planning, Parks and Development.

Planning, Parks and Development Director Jacky Eubanks presented a request for the Board to adopt a Duke Home Energy Loan Pool (HELP) Project Budget Ordinance in the amount of \$8,250. The Western Piedmont Council of Governments recently submitted an application for Catawba County's participation in the HELP funds program of the North Carolina Housing Finance Agency. As a HELP member, organizations may access program funds for energy-efficiency measures performed in association with the comprehensive rehabilitation of the homes of Duke Energy customers. The Loan Pool is funded by Duke Energy Carolinas, a subsidiary of Duke Energy Corporation.

HELP funds must be used with funding from other resources such as Community Development Block Grant (Scattered Site Housing) or Single Family Rehabilitation. Nonprofit organizations, local governments and regional councils of government serving Duke Energy customers are eligible to apply for HELP membership. Applicants must have a comprehensive housing rehabilitation project which would provide matching funds for HELP, and show that they have the capacity to adequately manage HELP-related activities. HELP-

eligible owners/occupants must have an income of [80% or less of the area median income](#), and be approved to receive assistance under the comprehensive housing rehabilitation project with which HELP assistance is to be paired. HELP assistance is provided to the homeowner in the form of an interest-free loan which is secured by a Deed of Trust.

The County is completing a 2009 Scattered Site Housing Grant. Due to unforeseen problems with the next to last house under rehabilitation, the HELP funds will be paired with the Scattered Site Housing grant to complete the last house under contract, which is for a Duke Energy customer who is eligible for these funds. The Scattered Site Housing Grant Administrator has budgeted \$8,250 of Duke HELP funds to be used toward the completion of the project. This unit will need to be completed by the time of the close-out public hearing to be held at the July 9, 2012, Board of Commissioners meeting. Vice-Chair Lail made a motion to adopt the Project Budget Ordinance. The motion carried unanimously. The following ordinance applies:

**ORDINANCE# \_\_\_\_\_**

**NORTH CAROLINA HOUSING FINANCE AGENCY PROJECT BUDGET ORDINANCE  
FOR THE (HELP) HOME ENERGY LOAN POOL**

Be it ordained by the County Commissioners of Catawba County that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the (HELP) Home Energy Loan Pool between this unit and the North Carolina Housing Finance Agency.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the North Carolina Housing Finance Agency, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this (HELP) project:

<u>Revenues</u>	
(HELP) Home Energy Loan Pool	\$8,250

Section 4. The following amounts are appropriated for the project:

<u>Expenditures</u>	
Rehabilitation	\$7,500
Recording fees/Soft costs(Write-ups)	<u>\$ 750</u>
	\$8,250

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the day of June, 2012.

c. Utilities and Engineering.

1. Utilities and Engineering Director Barry Edwards presented a request for the Board to adopt a mandatory 3-Year Update to the 10-Year Catawba County Solid Waste Management Plan during an advertised public meeting, allowing for a public comment period. On June 16, 1997, in accordance with North Carolina General Statute §130A-309.09A, the Board adopted a State mandated 10-year Solid Waste Management Plan, which included all eight municipalities in the county. The Statute requires that each unit of local government, either individually or in cooperation with other local government units, develop a plan. Each 3-year update since has included the County and its municipalities, and the municipalities have again chosen to partner cooperatively with the County to adopt a common plan. The updated plan must be submitted to the North Carolina Department of Environment and Natural Resources no later than June 30, 2012.

The purpose of the 3-year update is to meet local solid waste disposal and waste reduction needs as well as to protect the public health and environment. The Comprehensive 10-Year Plan update presents a look at recent and current solid waste disposal and waste reduction practices in the County and provides for the future management and reduction of solid waste.

The fundamental goal of the Solid Waste Department and the County's EcoComplex is to utilize landfills as resource recovery facilities to best serve the future solid waste needs of the citizens of Catawba County. Converting waste streams into commodities and creating green energy through a virtually closed system will reduce the amount of solid waste being buried in the landfills. Several of the EcoComplex components have already been established, including the landfill, a landfill gas to energy facility, a pallet manufacturer, a dimensional lumber company, a Biodiesel Production and Research Facility, and Crop Processing Facility. Industrial development within the EcoComplex has created 144 new jobs to date. One of the initial benefits was the diversion of wood by-products from a pallet manufacturer and lumber company, which assists Catawba County in achieving waste reduction and recycling goals set by the State.

The Solid Waste Department is a self-supporting program. Municipal solid waste landfill tipping fees have remained stable since 1995 (initially \$30 per ton) with the only increase occurring on July 1, 2008, to cover the cost of the State's implementation of a \$2 solid waste tax and recurring State solid waste permit fees. Tipping fees are currently \$33 per ton.

Catawba County established a Commercial Recycling and Waste Reduction Partnership program to encourage waste reduction, reuse and recycling, and the purchasing of recycled products in the workplace. County solid waste staff works with program participants to identify potential recyclables existing within their waste streams and assists with connecting them to recycling companies and markets. Several companies have found alternate uses for their waste products and are therefore no longer disposing of the waste in the County's landfill facilities, saving landfill space. There are currently 22 businesses signed up as partners.

The County owns and operates a Landfill Methane Gas-to-Energy Facility which currently operates three engine/generator sets that have the capacity to generate 3 megawatts of renewable electricity per hour. Since 1999, the facility has produced 193,444.5 megawatts of power and has received \$6,567,875 in revenue. This revenue has helped reduce the overall cost of solid waste management.

The development and implementation of a successful solid waste program, along with an aggressive recycling and waste reduction program, has extended the life expectancy of the County's municipal landfill to 75 years. In Fiscal Year 2010/11, Catawba County recycled 729 pounds per person and is currently ranked number one in the state for recycling. This successful program can be attributed to partnerships between the County and its EcoComplex partners, municipalities, businesses, schools and the community.

As advertised on June 8, 2012, the County was required to allow for a public comment period at a regularly advertised public meeting. The Plan was available for public review online at [www.catawbacountync.gov/ue](http://www.catawbacountync.gov/ue) and in printed form during normal operating hours at the Catawba County Library located at 115 West C Street, Newton, and the Catawba County Utilities & Engineering Department at the Government Center located at 100-A Southwest Blvd, Newton, through June 18, 2012. (The plan is available in the Utilities and Engineering Department)

Commissioner Isenhower stated that the plan was tremendously comprehensive but as he had stated previously, he did not believe the County should be involved in research programs such as the biodiesel facility and if the County continued to budget what it had in the past budget over the next four years, two and a quarter million dollars would be spent and it would be about 2025 before the revenues equaled out to the expenses. He again stated he did not believe this was a county function. Chair Barnes stated the funding was not coming from tax dollars and the landfill operated as a business and the costs for the biodiesel project were funded by the Enterprise Fund – funds that would be idle until the closure of the landfill if not used for this purpose. She supported the use of these funds for the benefit of research and the projects brought programs that would not have come to the County otherwise. Mr. Edwards stated the County would have to maintain the buffer areas regardless and the use of those areas for biodiesel crops was beneficial. He said the biodiesel project provided untold benefits and was an arena for three PhD students to complete valuable studies and research.

Chair Barnes opened the floor for public comments. No one came forward and speak.

Commissioner Hunsucker made a motion to adopt the 3-year Update. Commissioners Barnes, Lail, Hunsucker and Beatty voted for; Commissioner Isenhower voted against the motion. The motion carried.

2. Utilities and Engineering Director Barry Edwards presented a request for the Board to approve a 2012 Community Waste Reduction and Recycling Grant contract for an expansion of the Blackburn Resource Recovery Facility, featuring a new shingle recycling program to begin on July 1, 2012, and appropriated funds through a budget revision to the County Fiscal Year 2012/13 budget totaling \$50,422, including the grant award of \$30,000 and a required match of \$20,422 funded by Solid Waste fund balance.

Catawba County has been awarded a grant from the North Carolina Department of Environment and Natural Resources for the Blackburn Resource Recovery Facility Recycling Expansion Project. The grant will fund the construction of an expansion to the existing treatment and processing area at the Blackburn Facility that can be used for a new shingle recycling program and the existing scrap tire management program.

The Blackburn Facility has experienced a steady increase in the amount of shingle debris over the past three years, averaging 22.5 tons per day. The asphalt shingle recycling program will help conserve airspace in the landfill by diverting this otherwise buried waste from landfill disposal. The project will consist of site preparation, grading and a new concrete tipping pad with retaining wall. The grant is effective on July 1, 2012, for Fiscal Year 2012/13. In July 2012, the County will solicit contractors through an informal bidding process for the construction of a retaining wall and pad, site preparation and grading. The completion date for the project is anticipated to be January 31, 2013, but the Grant does not end until June 30, 2013.

The waste generator will weigh in at the scale house as is customary, then dump clean asphalt shingles onto a concrete pad and weigh out when exiting the Blackburn Facility. The waste generator will pay the current tipping fee of \$21 per ton, the rate of disposal at the Construction and Demolition (C&D) Landfill, which would exclude the State Solid Waste Disposal Tax of \$2 per ton that is required to be charged on buried waste since the shingles are not being buried in the landfill. The C&D Landfill tipping fees for shingles will remain unchanged at this time. County staff will transfer scrap shingles over the retaining wall into a container. Staff plans to contract with an asphalt vendor to handle the shingles after they have been deposited in the new area. When the container is full, the asphalt vendor will be contacted to request a pick-up of the shingles. The asphalt vendor will haul, stockpile, test and process the shingles. County staff will educate waste generators and the community on ways to provide a clean asphalt shingle product to avoid costly testing processes.

The North Carolina Department of Environment and Natural Resources requires that a grant contract be executed on approval by the Board prior to the July 1, 2012 effective date. Funds are required to be allocated through a budget revision to the Fiscal Year 2012/13 budget totaling \$50,422 which includes the grant award of \$30,000 plus the required match of \$20,422 funded by Solid Waste fund balance. The cost savings realized through the saved airspace will offset the \$20,422 County contribution. All costs associated with the expansion project will be funded from the Solid Waste Enterprise Fund which contains no ad valorem tax proceeds. Mr. Edwards thanked Vice-Chair Lail for her involvement in obtaining this grant. Vice-Chair Lail made a motion to approve the grant contract. The motion carried unanimously. The following appropriations apply:

Appropriations for Budget Revision:

Revenue

525-350100-631440 (Solid Waste Reduction Grant)	\$30,000
525-350050-690100 (Solid Waste Fund Balance Applied)	\$20,422

Expenditure

525-350100-849063 (Solid Waste Reduction)	\$50,422
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10. Other Items of Business:

11. Attorney's Report:

County Attorney Debra Bechtel requested the Board consider a closed session pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with an attorney employed or retained by a public body in order to preserve the attorney-client privilege. The Charlie C. Wyant and wife Mary Jane Rhoney Wyant vs. Catawba County case would be discussed. No action was anticipated upon return to open session. Commissioner Hunsucker made a motion to move into closed session for the above reason. The motion carried unanimously. The Board moved into closed session after the Manager's Report at 7:58 p.m.

12. Manager's Report: none

13. Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfers have been completed:

**SCHOOLS**

420-750100-862200-34100-4-03	CVCC Truck	\$3,985.56
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420-750100-862200-34100-3-13	CVCC General Renovations	\$3,985.56
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6/28/12 – Transfer of unused funds from a Truck replacement project to General Renovations to assist with general building repair needs.

423-740100-862200-34100-2-06	CVCC East Campus Renovations	\$46,440.48
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423-740100-862200-34100-3-34	CVCC Student Center	\$46,440.48
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6/28/12 – Transfer of unused funds from the East Campus Renovations project for re-roofing due to the competitive construction market costs to the Student Bookstore project based on anticipated costs.

14. Adjournment. The Board returned to open session and took no action. Commissioner Hunsucker made a motion to adjourn at 8:20 p.m. The motion carried unanimously.

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Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

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Barbara E. Morris  
County Clerk